IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 17942 of 2004

Between:

P.Mohan Reddy, S/o Venkat Reddy,R/o Gadibanda Village, Kodada Mandal, Nalgonda District

..... PETITIONER

AND

1 The Divisional Cooperative Officer, Miryalaguda,

Nalgonda District
2 The Person-In-charge, Primary Agricultural Cooperative

Society, Gudibanda, Kodad Mandal, Nalgonda District
3 The District Cooperative Officer, Nalgonda, Nalgonda

District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any Writ order or direction more particularly a writ in the nature of Certiorari calling for the records leading up o and passing the impugned order of the 2nd respondent herein i.e. Person-in-charge of the P.A.C.S.Gudibanda dated 13th September, 2004 and to quash the same as arbitrary, illegal, unconstitutional i.e., volative of Articles 14,19 and 21 of the Constitution of India.

Counsel for the Petitioner: Mr.Y.SUBRAHMANYAM

Counsel for the Respondent Nos. 1 to 3: GP FOR COOPERATION

The Court made the following :

ORDER:

The petitioner questions the order terminating his services passed by the 2nd respondent-Society vide its order dated 13-9-2004. The petitioner has an effective alternative remedy by way of filing an appeal under the special Bye-laws governing the service conditions of the employees of the Society.

I have taken a view in W.P.No.3171 of 2003 and batch dated 30th August, 2004 that no writ lies against the Primary Agricultural Co-operative Society Limited by its employees as the functions of the Society are not statutory in nature and admittedly the Primary Agricultural Cooperative Society Limited is not a State within the meaning of the Article 12 of the Constitution of India, amenable to the writ jurisdiction.

The writ petition is accordingly dismissed, with a liberty to the petitioner to file an appeal against the impugned order. No costs.

05-11-2004

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To

1 The Divisional Cooperative Officer, Miryalaguda,

Nalgonda District
2 The Person-In-charge, Primary Agricultural Cooperative

Society, Gudibanda, Kodad Mandal, Nalgonda District
3 The District Cooperative Officer, Nalgonda, Nalgonda

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4 Two CD copies.